THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.917 and 3145 OF 2006

24.03.2006

Between:

Smt.V.Parwathi, W/o.V.Vidyasagar

… Petitioner

AND

Commissioner, Municipal Council, Tandur

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.917 and 3145 OF 2006

COMMON ORDER:

In W.P.No.917 of 2006, the petitioner purchased land admeasuring 223 Sq.yards in survey No.107 of Malreddypally Village, Ward No.4, Block No.3 of Tandur Municipality from one Siva Kumar Goud under registered sale deed dated 09.8.2000. She applied for permission to construct a residential house to Tandur Municipality. After considering the application, the Municipality accorded permission on 07.11.2005. The petitioner alleges that when she was making construction, respondents 2 to 6, claiming title to the land purchased by her, tried to interfere with the construction activity with active connivance of the first respondent Municipality. Therefore, she filed the writ petition seeking *inter alia* a direction to the respondents not to interfere with or obstruct the construction activity taken up by the petitioner. The other writ petition being W.P.No.3145 of 2006 is filed by respondents 2 to 6 in W.P.No.917 of 2006 (hereafter called, the respondents). It is their case that the entire land admeasuring Acs.4.17 guntas in survey No.107 situated at Malreddypally village was originally owned by Basavanappa, original pattadar, that they obtained necessary mutation in the records or rights from the Mandal Revenue Officer (MRO), Tandur Mandal vide proceedings No.B/1221/2005 dated 30.8.2005. But without notice to them, the Revenue Divisional Officer (RDO), Vikarabad by an order dated

27.1.2006, set aside the proceedings of the MRO and remanded the matter for *de novo* enquiry and, therefore, they seek invalidation of the proceedings of the RDO.

There cannot be any dispute that the RDO was presumably exercising the jurisdiction under subsection (5) of section 5 of A.P. Rights in Land and Pattadarpassbooks Act, 1973. Therefore, it was incumbent on him to issue notice while passing the order on 27.1.2006, set aside the proceedings of the MRO, whereby and whereunder the petitioners' request for mutation was accepted. However, as the matter is now remanded to the MRO and it is alleged that the MRO passed orders without notice to the petitioner in W.P.No.917 of 2006, this Court is not inclined to interfere in the matter. However, a direction shall issue to the second respondent, MRO, to dispose of the matter as remanded by the RDO within a period of four weeks from the date of this order.

Insofar as W.P.No.3145 of 2006 is concerned, there is no denial that till today the building permission given by the Commissioner of Tandur Municipal Council is not recalled nor revoked. Therefore, the petitioner in W.P.No.917 of 2006 cannot be prevented from proceeding with the construction if it is strictly in accordance with building plan. It shall however be open to the respondents 2 to 6 (in W.P.No.917 of 2006) to file a suit and obtain appropriate injunction. As and when such suit is filed, the civil court shall decide the matter without being influenced by the observations made hereinabove.

The writ petitions are accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

March 24, 2006.

NOTE:

Issue order copy by

27.3.2006.

(B/o)

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